

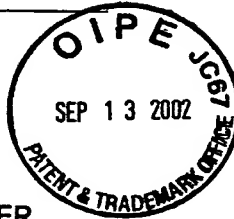
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): KREUTZER et al.  
 Appln. No.: 09 | 810,521  
 Series Code ↑ | Serial No. ↑

Group Art Unit 1652  
 Examiner: D. STEADMAN  
 Atty. Dkt. P 278416 | 980183 BT-B  
 M# | Client Ref  
 Appln. Title: L-LYSINE-PRODUCING  
 CORYNEBACTERIA AND PROCESS  
 FOR THE PREPARATION OF LYSINE

Filed: March 19, 2001  
 Hon. Commissioner of Patents  
 Washington, D.C. 20231



Sir:

**REPLY/AMENDMENT/LETTER**

Date: September 13, 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

**FEE REQUIREMENTS FOR CLAIMS AS AMENDED**

1. Small Entity claim		For B & C See Required Separate Paper (Pat-256)		Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fees	Fee Code Lg/Sm		
A. <input checked="" type="checkbox"/> NOT made											
B. <input type="checkbox"/> Withdrawn											
C. <input type="checkbox"/> made herewith											
D. <input type="checkbox"/> made previously											
<b>RECEIVED</b> SEP 16 2002 TECH CENTER 1600/2900											
2. Total Effective Claims				11	**minus	34	0	x \$18/\$9 =	+ \$0	103/203	
3. Independent Claims				5	***minus	11	0	x \$84/\$42 =	+ \$0	102/202	
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) .....								add	+ \$280/\$140 =	+ \$0	104/204
5. Original due Date: September 13, 2002				<input type="checkbox"/> NONE							
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached				(1 mo)	\$110/\$55 =					115/215	
				(2 mos)	\$400/\$200 =		+ \$0			116/216	
				(3 mos)	\$920/\$460 =					117/217	
				(4 mos)	\$1,440/\$720 =					118/218	
				(5 mos)	\$1,960/\$980 =					128/228	
7. Enter any previous extension fee paid since above original due date and subtract							- \$0				
8.							<b>Extension Fee</b>		+ \$0		
9. If Terminal Disclaimer attached, add Rule 20(d) official fee .....							+ \$110/\$55	+ \$0		148/248	
10. If IDS attached requires Official Fee under Rule 97 (c), .....							add	+ \$180	+ \$0	126	
or if Rule 97(d) Request .....							add	+ \$180		126	
11. After-Final Request Fee per rules 129(a) and 17(r) .....							+ \$740/370	+ \$0		146/246	
12. No. of additional inventions for examination per Rule 129(b) .....							x \$740/370 ea	+ \$0		149/249	
13. Request for Continued Examination (RCE) .....							+ \$740/370	+ \$0		1179/1279	
14. Petition fee for .....								+ \$0			
15.							<b>TOTAL FEE =</b>		<b>\$0</b>		
16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".											
17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.											
18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.											
									<b>PLEASE CHARGE OUR DEP. ACCT</b>		

Our Deposit Account No. 03-3975)

(Our Order No. 21123 | 278416

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP  
 Intellectual Property Group

By Atty: Thomas A. Cawley, Jr., Ph.D.

Reg. No. 40944

Sig:

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Atty/Sec: TAC/smm

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments



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SEP 16 2002

THE UNITED STATES PATENT AND TRADEMARK OFFICE TECH CENTER 1600/2900

In re PATENT APPLICATION OF

Group Art Unit: 1652

KREUTZER et al.

Examiner: D. STEADMAN, Ph.D.

Appln. No.: 09/810,521

Filed: March 19, 2001

Title: L-LYSINE-PRODUCING CORYNEBACTERIA AND PROCESS FOR THE PREPARATION OF LYSINE

September 13, 2002

\* \* \* \* \*

AMENDMENT PURSUANT TO 37 C.F.R. § 1.111

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

This is in response to the official action dated June 13, 2002, wherein the claims were objected to and were variously rejected under 35 U.S.C. §101, 35 U.S.C. §112, first and second paragraphs, and 35 U.S.C. §103(a). The applicants respectfully traverse the present rejections of the claims in view of the following amendment and remarks.

09/18/2002 GTRAKHEL 00000002 033975 09810521  
01 FC:103 36.00 CH

**I. AMENDMENT**

Please amend the application as follows.

**IN THE CLAIMS**

*Please amend claim 1 as follows.*

1. (Amended) L-Lysine-producing bacteria of the species *Corynebacterium glutamicum* comprising an over-expressed *pyc* gene of *Corynebacterium glutamicum* encoding pyruvate carboxylase and an over-expressed *dapA* gene of *Corynebacterium glutamicum* encoding dihydrodipicolinate synthase, wherein over-expression of said *dapA* gene is achieved by using a *dapA* promoter selected from the group consisting of: the *dapA* promoter comprising the MC20 mutation as set forth in SEQ ID NO:5 and the *dapA* promoter comprising the MA20 mutation as set forth in SEQ ID NO:6.